

~~TOP SECRET~~ [REDACTED]

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CENTRAL INTELLIGENCE AGENCY

Washington, D.C. 20505

General Counsel

OGC-ISD-2001-50113

4 May 2001

The Honorable Warren B. Rudman
Acting Chairman, Intelligence Oversight Board
Old Executive Office Building
Washington, DC 20500

Dear Mr. Chairman:

[REDACTED] I am submitting this quarterly report for the first quarter calendar year 2001, pursuant to Section 2.4 of Executive Order 12863, "President's Foreign Intelligence Advisory Board." The Executive Order requires me to report to you, intelligence activities that I have reason to believe may be unlawful or contrary to Executive Order or Presidential directive. Since my last report, I am aware of three reportable items.

[REDACTED] I am also submitting three informational items of interest that are included because of their significance. I have no reason to believe that these informational items constitute intelligence activities that were unlawful or contrary to Executive Order or Presidential directive.

Reportable Items

[REDACTED]

APPROVED FOR RELEASE ☐

DATE: 25-Feb-2010

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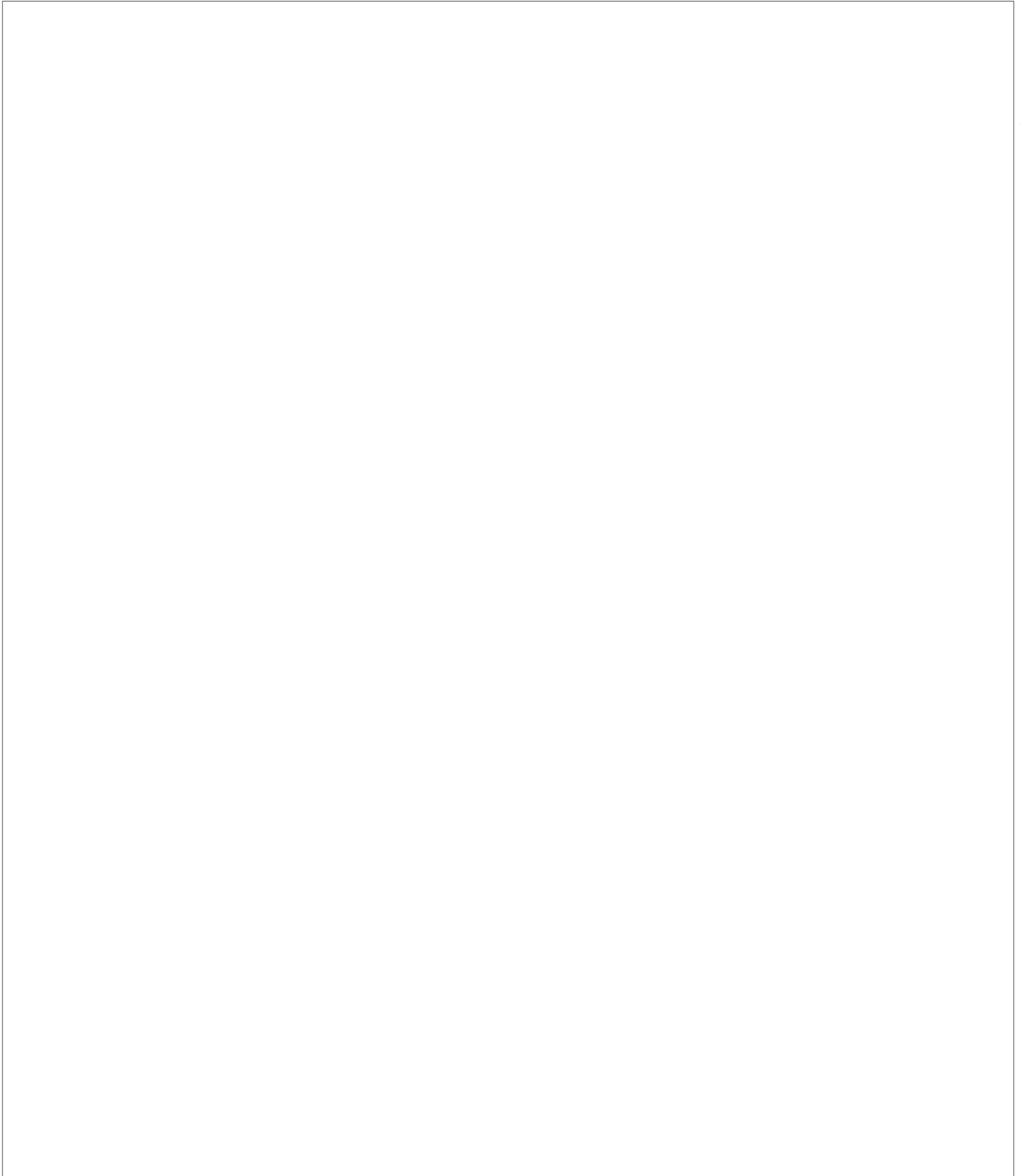
The Honorable Warren B. Rudman

[] Privacy Act Violation. In April 1995, the CIA provided information to a writer about a defector with US person status, that was obtained from a CIA Privacy Act system of records without the receipt of any written consent from the defector. This resulted in an inadvertent technical violation of the Privacy Act of 1974, since the dissemination did not fall within one of the statutory exemptions to the Act, and CIA failed to secure the necessary explicit written consent needed to otherwise authorize the dissemination of the records under the Act. * The impact of the Privacy Act on the dissemination was not realized until January 2001, following a review of files

* "No agency shall disclose any record which is contained in any system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains [subject to 12 exceptions]." 5 U.S.C. §552a (b).



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[REDACTED]

[REDACTED] The Office of General Counsel has reviewed the documents at issue and interviewed several of those who were involved in structuring and working on the research project. We found that although CIA did a diligent job in its review of the materials on the basis of classification, there is no indication in the relevant files, nor in the memories of those involved at the time, that the necessity of a Privacy Act waiver was considered by any of the parties or by OGC. The Department of Justice's Criminal Division was notified of the facts surrounding the dissemination and declined prosecution of misdemeanor charges against any of the parties under the criminal provisions of the Privacy Act, given that the failure to secure the written consent was merely an oversight and there was no evidence of intent to violate the law. Our review of this matter leads us to conclude that it is highly unlikely that such an arrangement will ever be utilized by the Agency again. Thus, it is highly unlikely that the Privacy Act violation that occurred in this case will ever be replicated.

[REDACTED]

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Informational Items of Interest

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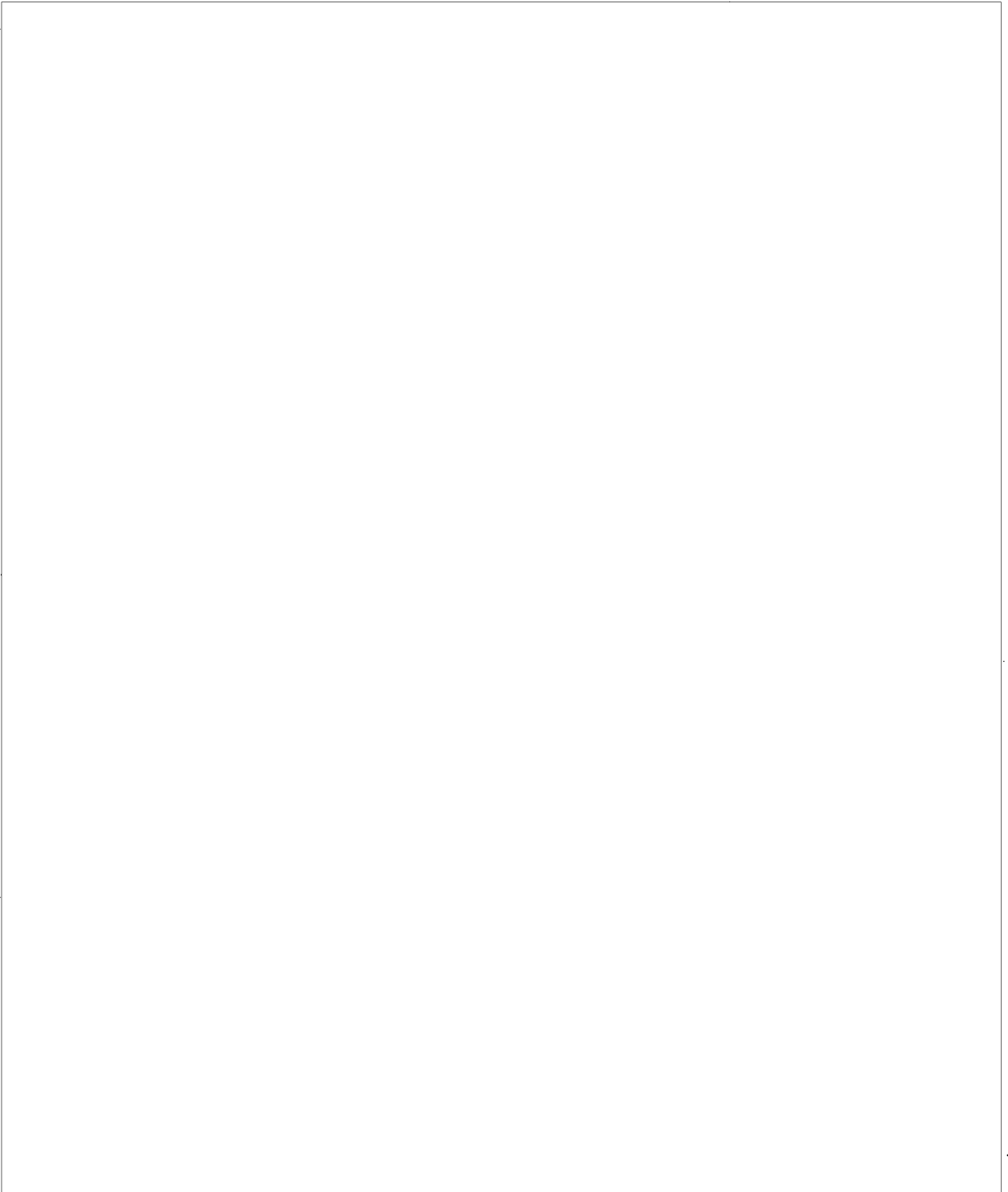
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[redacted] Please call me if you would like to discuss any aspect of the items noted above.

Sincerely

[redacted]
Robert M. McNamara, Jr.

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